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Docket No. 046301-053000

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| In re l | Patent Application of:   | )   | FAX RECEIVED                      |
|---------|--|---|-----------------------------------|
| Heida   | ri, et al.   | )   | Group Art Unit: 2611 NOV 2 0 2007 |
| Serial  | No.: 10/067,496  | )   | Examiner: Don Nguyen Vo           |
| Filed:  | 1°cbruary 4, 2002  | •)  | Confirmation No.: 8340            |
| For:    | METHOD AND SYSTEM FOR IMPLEMENTING A SYSTEM ACQUISITION FUNCTION FOR USE WITH A COMMUNICATION DEVICE | )   | Date: November 20 2007            |
|         |  | CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]  I hereby certify that this correspondence is being deposited with the |                                   |

Signature: Aaron Hokamura

USPTO at (571) 272-0025, on November 22 2007.

United States Postal Service with sufficient postage for First Class Mail in an envelope addressed to: Mail Stop Petition, Commissioner for Putents, P.O. Box 1450, Alexandria, Virginia 22313-1450, or being facsimile transmitted to the

## PETITION TO WITHDRAW APPLICATION FROM ISSUE UNDER 37 CFR § 1.313(c)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Applicants hereby request that the above-identified application be withdrawn from issue pursuant to 37 C.F.R. § 1.313(c)(2) for consideration of a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 and an Information Disclosure Statement (IDS) filed concurrently herewith. The IDS discloses references from an international search report from 2003. Applicants learned after filing the issue fee that the search report references had been previously submitted by Applicants' prior attorneys in an IDS in 2003 which listed the wrong application serial number. As a result, Applicants discovered that the 2003 IDS and the search report references were never entered into the record for this case or considered by the Examiner in this case. Therefore, this Petition is being submitted along with an RCE and IDS in order to have the references considered by the Examiner.

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The Commissioner is authorized to charge any fees which may be required (except payment of the issue fee), or credit any overpayment, to Deposit Account No. 50-3557.

Respectfully submitted,

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NUV 24 2007

Date

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